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INFO RUEHRL/AMEMBASSY BERLIN 0091
RUCNFRG/FRG COLLECTIVE
RUEHAG/AMCONSUL HAMBURG 0115

UNCLAS HAMBURG 000001

SIPDIS

DEPARTMENT FOR EUR/AGS, EUR/PPD, L/LEI, AND S/CT
JUSTICE FOR BARBARA BERMAN AND PATRICIA REEDY
SIPDIS

E.O. 12958: N/A
TAGS: [PTER](#) [KJUS](#) [PREL](#) [ASEC](#) [GM](#)
SUBJECT: MOTASSADEQ SENTENCED TO 15 YEARS

REF: A. 06 HAMBURG 74, B. 06 HAMBURG 67, AND PREVIOUS

¶1. On January 8, the Hamburg Regional Court gave 9/11 cell member Mounir el-Motassadeq a 15 year prison sentence. (Note: This is the maximum sentence that can be imposed under the German Penal Code for the crime of accessory to murder. End Note.) Motassadeq's attorneys announced that they will pursue all legal avenues at their disposal to appeal. His legal team as well as the German Federal Prosecutor/co-plaintiffs had also appealed Motassadeq's earlier conviction, a process which led to his retrial and January 8 sentence.

¶2. In his verdict, Chief Judge Dr. Carsten Beckmann pointed out the "enormous injustice of the act" [the September 11 attacks] and the "gravity of the guilt," which left the court no choice but to impose the highest possible sentence. Beckmann said he drew the conclusion that when someone knows that airplanes would be crashed in suicide operations, and that would-be attackers have obtained qualified pilot training, then he should also be aware that those airplanes would not be crashed just anywhere, but in a way that leads to as many fatalities as possible.

¶3. Motassadeq's attorneys argued that their client was not given a fair trial and that the court had not considered evidence which could prove their client's innocence. They announced they would seek a retrial. They repeatedly referred to their December 29 appeal to the Federal Constitutional Court, which alleges a violation of their defendant's basic rights to a fair trial. Motassadeq's attorneys indicated their intent to bring the case before the European Court of Justice if need be.

¶4. This message has been coordinated with Embassy Berlin.

BUTCHER